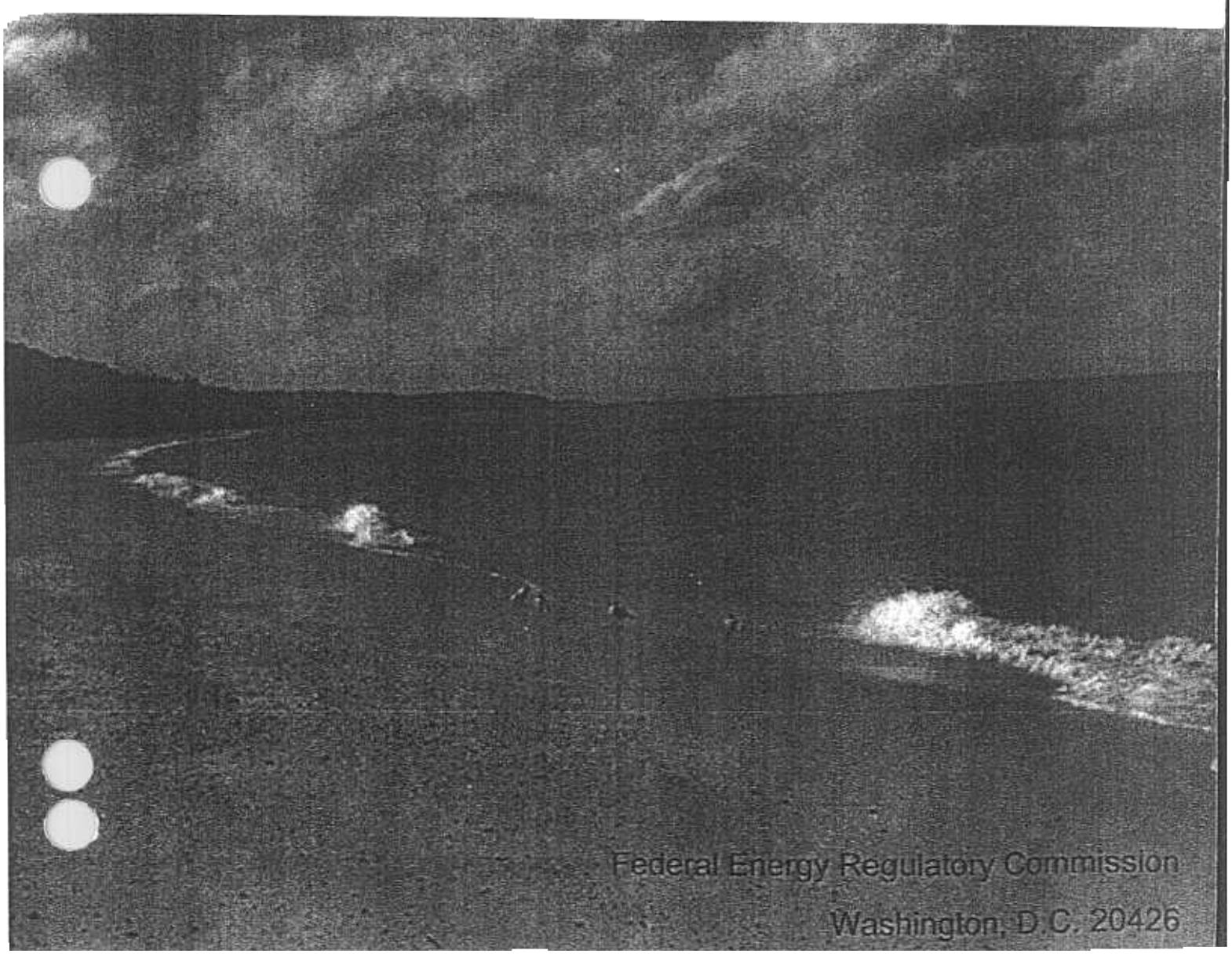
August 2002
FERC/EIS - 0151D

Eastern Long Island Extension Project

Draft Environmental Impact Statement

Iroquois Gas Transmission System L.P.
Docket No. CP02-52-000



In Reply Refer To:
Gas Branch 2, PJ - 11.2
Iroquois Gas Transmission System, L.P.
Docket No. CP02-52-000

TO THE PARTY ADDRESSED:

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a Draft Environmental Impact Statement (DEIS) on the natural gas pipeline facilities proposed by Iroquois Gas Transmission System, L.P. (Iroquois) in the above-referenced docket.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project with the appropriate mitigating measures as recommended, would have limited adverse environmental impact. The DEIS also evaluates alternatives to the proposal, including system alternatives; major route alternatives; and route variations, and requests comments on them.

The DEIS addresses the potential environmental effects of the construction and operation of the following facilities:

29.1 miles of 20-inch-diameter pipeline in New Haven County, Connecticut, and Suffolk County, New York;

a new meter station along the proposed ELI pipeline at about milepost (MP) 29.1;

ancillary facilities including a marine tap interconnection and facilities for the attachment of a pig launcher in Long Island Sound in Connecticut state waters; three mainline valves (MPs 17.5, 22.7, and 29.1), and one pig receiving facility housed within the meter station layout at the project terminus at MP 29.1;

a new 20,000 horsepower compressor station at Iroquois' existing mainline valve site in Milford, Fairfield County, Connecticut;

new piping, compressor and piping modifications, and ancillary facilities to accept natural gas from the Algonquin Gas Transmission (AGT) Company's AGT System at a proposed new Iroquois compressor station in Brookfield, Fairfield County, Connecticut (note: Iroquois is currently pursuing a separate FERC Certificate for the compressor station under Docket No. CP02-31-000);

a discharge gas cooler to be added to the proposed new compressor station in Dover, Duchess County, New York (note: Iroquois received a separate FERC Certificate for the compressor station under Docket Nos. CP00-232-000 and -001, but has not built this facility yet); and

temporary pipe and storage yards, staging areas, access roads, etc., to be used only during construction of the proposed facilities.

The purpose of the proposed facilities would be to transport about 175,000 dekatherms per day of firm transportation service to expanding markets on Long Island, New York.

Comment Procedures and Public Meeting

Any person wishing to comment on the DEIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. **Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:**

Send an original and two copies of your comments to:

Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426;

Label one copy of the comments for the attention of Gas Branch 2, PJ11.2

Reference Docket No. CP02-52-000; and

Mail your comments so that they will be received in Washington, DC on or before October 18, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. **Also, the Commission encourages electronic filing of any comments or interventions or protests to this proceeding.** See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.gov under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on "Login to File" and then "New User Account."

We will announce in a future notice, the location and time of at least one local public meeting to receive comments on the DEIS.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a Final Environmental Impact Statement (FEIS) will be published and distributed by the staff. The FEIS will contain the staff's responses to timely comments filed on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Anyone may intervene in this proceeding based on this DEIS. You must file your request to intervene as specified above.[1/] **You do not need intervenor status to have your comments considered.**

[1/] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

The DEIS has been placed in the public files of the FERC and is available for distribution and public inspection at:

Federal Energy Regulatory Commission
Public Reference and Files Maintenance Branch
888 First Street, N.E., Room 2A
Washington, DC 20426
(202) 208-1371

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, copies of the DEIS have been mailed to Federal, state and local agencies, public interest groups, individuals who have requested the DEIS, newspapers, and parties to this proceeding.

Additional information about the proposed project is available from the Commission's Office of External Affairs, at 1-866-208-FERC (3372) or on the FERC Internet website (www.ferc.gov) using the "FERRIS" link to information in this docket number.[2/] Click on the FERRIS link, then click on "General Search", and then enter the docket number in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at (202) 502-8222, TTY (202) 208-1659. The FERRIS link on the FERC Internet website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Magalie R. Salas
Secretary

2/ On October 11, 2001, the Commission announced that, as the result of the September 11 terrorist attacks, the FERC would limit access to certain public documents (PL01-2-000). Documents containing specific information on energy facilities would not be available through its web site or on its public reference room. Individuals requiring such information are directed to file Freedom of Information Act (FOIA) requests.

EXECUTIVE SUMMARY

This draft environmental impact statement (EIS) for the Eastern Long Island (ELI) Extension Project by Iroquois Gas Transmission Systems L.P. (Iroquois) has been prepared by the staff of the Federal Energy Regulatory Commission (FERC or Commission) to fulfill the requirements of the National Environmental Policy Act and the Commission's implementing regulations under Title 18, Code of Federal Regulations, Part 380.

Iroquois proposes to construct and operate an interstate natural gas pipeline and associated aboveground facilities under Section 7(c) of the Natural Gas Act and Title 18, CFR Part 157. Iroquois proposes to construct approximately 29.1 miles of 20-inch-diameter natural gas pipeline, a new 20,000 horsepower (hp) compressor station, modifications to two other compressor stations, and other associated auxiliary facilities in various locations in Connecticut and Long Island, New York. The new pipeline would cross 17.1 miles of the Long Island Sound (LIS) and 12.0 miles of Long Island onshore.

The purpose of the ELI Project is to provide natural gas transportation service for 175,000 dekatherms per day of natural gas from supply areas in the Northeast to energy markets in Long Island and New York City. The project would supply natural gas to meet local gas company growth on Long Island and in New York City.

Project Impacts

Considering both offshore and onshore segments, construction of the ELI Project would impact about 3,089 acres. Construction in offshore areas would affect about 2,930 acres, based on a 100 to 300-foot-wide temporary right-of-way (ROW). Construction of the onshore portion of the ELI Project, including pipeline and aboveground facilities, would affect about 159 acres of land in the states of Connecticut and New York. Of this amount, about 79 acres would be permanently disturbed by operation of the pipeline.

The proposed construction work area, defined as the construction ROW and temporary extra work areas, would be located within 50 feet of seven residences. Iroquois has proposed general mitigation measures to minimize impacts on residences. For residences within 25 feet of the construction work area, Iroquois would prepare and file site-specific construction plans for our[1]/ review.

Construction and operation of the ELI Project would result in temporary and permanent alteration of wildlife habitat, as well as direct impact on wildlife such as disturbance, displacement, or mortality. The clearing of forest land for construction and operation of the pipeline would result in a change of forested wildlife habitats to herbaceous and shrub cover habitat types. After construction, the temporary construction ROW and extra work areas in previously forested areas would be allowed to revegetate naturally and would eventually return to preconstruction conditions. In upland areas, the construction work area would be reseeded shortly after construction. The project would permanently affect a total of about 27.1 acres of forested areas, including upland forest and

1/ "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects, part of the Commission staff.

forested wetlands within the permanent ROW that would be converted from forest habitat and maintained as herbaceous and shrub cover for operation of the pipeline. We have recommended the use of horizontal directional drilling for three pipeline segments within the Central Pine Barrens in New York to minimize impacts to the sensitive vegetation and wildlife habitat there.

Iroquois proposes to implement the FERC staff's *Upland Erosion Control, Revegetation and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures*. The pipeline route proposed by Iroquois would require only two waterbody crossings (excluding the LIS). Both of these are considered intermediate waterbodies (i.e., between ten and 100 feet wide at the proposed crossing location). Iroquois proposes to use horizontal directional drilling to cross the Carmans River. We have recommended that the Peconic River be crossed using the bore method.

The ELI Project would cross only 2 wetlands with a total crossing length of about 1,584 feet. Construction would temporarily disturb about 7.3 acres of wetlands, including 0.73 acres of wetlands that would be affected permanently for operation of the facilities. A wetland mitigation package is under development with the affected states and the U.S. Army Corps of Engineers.

The ELI Project would impact approximately 2,930 acres of estuarine and marine habitat in LIS. There would be unavoidable impacts to some live bottom benthic habitats, since any linear crossing of the LIS from Connecticut to Long Island would intersect at least some of it. Avoidance of live bottom areas has been incorporated into the Iroquois' proposed route as much as practicable. Mitigation strategies are under development, and we have recommended conservation measures to further reduce impacts that would be agreed to prior to construction.

Nine federally-listed endangered or threatened species were identified that could potentially occur in the counties along the project route and offshore. These species include the endangered shortnose sturgeon, leatherback sea turtle, Kemp's ridley sea turtle, the threatened green sea turtle, loggerhead sea turtle, bog turtle, bald eagle, roseate tern and the piping plover. We have determined that with Iroquois' proposed construction methods and our recommended conservation measures, all nine of these species are unlikely to be adversely affected by the proposed project. We have asked the National Marine Fisheries Service and U.S. Fish and Wildlife Service to concur with this for their respective jurisdictional species.

Additionally, 45 other special status species were identified as potentially occurring in the vicinity of the proposed project area. Iroquois has surveyed the proposed route for special status species. Where individuals have been identified or suitable habitat exists, Iroquois has proposed mitigation measures.

Only 4 of the 39 plant species potentially exist along the pipeline corridor. Iroquois would continue to consult with the New York State Department of Environmental Conservation regarding the state-listed persius duskywing, an invertebrate whose habitat would be directly impacted by construction.

Iroquois has conducted cultural resource surveys for a majority of the project area. Construction and operation of the proposed pipeline and associated facilities could potentially affect historic properties. Three archeological sites and a historic cemetery are located in the vicinity of the project. The marine survey did not record any underwater sites. However, there are still

locations, such as where survey access has been denied and the submerged anchor spread that have not been surveyed, or where the State Historic Preservation Officers (SHPOs) have not yet commented about potential effects on historic properties. We have recommended that construction be deferred until consultation required by section 106 of the National Historic Preservation Act (NHPA) has been completed.

Alternatives Considered

We reviewed the no action or postponed action alternative, which would involve not building or deferring construction of the proposed facilities. In reaching its final decision, the Commission will review both the environmental and non-environmental record in deciding whether to issue a Certificate of Public Convenience and Necessity. We also evaluated project system alternatives and route alternatives.

We evaluated four system alternatives, two of which, the One-Pipe System Alternative and the ELI System Alternative, are based on both the Iroquois' ELI Project and the Islander East Pipeline Project proposed by Duke Energy Systems. The third is the Long Island System Alternative, and the fourth is based on Tennessee's planned Connecticut-Long Island Lateral Project. We also considered potential New York/New Jersey-based System Alternatives.

Four route alternatives were identified in section 4.3. All of the route alternatives identified were rejected and eliminated from further consideration because they did not offer any significant environmental benefits over the proposed project route.

Five route variations were identified in section 4.4. We recommended one of these variations that would cross the William Floyd Parkway at a different location than the proposed route. We also recommended that Iroquois investigate the feasibility of using horizontal directional drilling at the interchange of William Floyd Parkway and Middle County Road.

Public Comments and Areas of Concern

The FERC issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Eastern Long Island Expansion Project and Request for Comments on Environmental Issues* (NOI) on March 13, 2002. The NOI stated that FERC would prepare an EIS, and it solicited public comments to identify significant environmental issues that would be considered in the EIS. The NOI was sent to individuals and organizations, including Federal. State, county, and local agencies; state and local conservation organizations, and elected officials (Federal and state representatives and senators); local newspapers and libraries; property owners along the proposed route of the pipeline; and other individuals.

The FERC subsequently issued a *Notice of Scoping Meetings and Site Visit for the Proposed Eastern Long Island Expansion Project* on April 5, 2002. In the notice, FERC stated that it would conduct site visits in the project area and any interested parties were invited to attend and address their issues of concern. The site visits were conducted at Long Island, New York on April 24, 2002, and in Connecticut on April 25, 2002.

The FERC held two public scoping meetings to provide the general public with an opportunity to learn more about the project and to comment on environmental issues to be addressed in the EIS. The FERC conducted these meetings in Middle Island, New York (April 24, 2002), and in Milford, Connecticut (April 25, 2002). Forms were available at the public meeting for comments and for requests for a copy of the EIS.

Issues identified during the public scoping period and site visits included the project's purpose and need; construction techniques; spread of noxious weeds; impacts on private wells and public water supply; LIS impacts; fish, shellfish, and benthic communities impacts; loss of wildlife habitat; preservation of native plant and unique vegetative communities; impacts on endangered and threatened species; loss of wetland habitat and restoration procedures; impacts on open space and the Central Pine Barrens; aesthetic and visual impacts from tree clearing; noise impacts; safety; loss of property values; traffic impacts; landowner concerns; cumulative impacts; and the need for one versus two pipelines.

Major Conclusions

We conclude that, with the use of Iroquois's proposed mitigation and adoption of our recommended mitigation measures, construction and operation of the proposed facilities would have limited adverse environmental impact. The impacts would be most significant during the construction period. As part of our analysis, we have developed specific mitigation measures that we believe to be appropriate and reasonable for construction and operation of the proposed project. We believe these measures would substantially reduce the environmental impact of the project.

The primary reasons for our decision are:

About 90 percent of the new pipeline onshore would either overlap or be adjacent to existing pipeline, powerline, railroad, and road rights-of-way reducing the need to establish new utility corridors;

Iroquois would use FERC's Plan and Procedures to mitigate impacts on soils, wetlands, waterbodies, and other important resources;

An environmental inspection and mitigation program would ensure compliance with all mitigation measures that would become conditions of approval with certification;

The appropriate consultations with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, SHPOs in Connecticut and New York, and the Advisory Council on Historic Preservation, if required, would be completed before Iroquois would be allowed to start construction in any given area; and

Specialized offshore construction procedures would substantially reduce impacts to the LIS' water quality, benthic habitat, and biological resources.

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LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ATV	all-terrain vehicle
BACT	Best Available Control Technology
bbls	barrels
BNL	Brookhaven National Laboratory
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System
Certificate	Certificate of Public Convenience and Necessity
CFR	Code of Federal Regulations
CGA	Compatible Growth Area
CH_4	methane
CIPWG	Connecticut Invasive Plant Working Group
cm	centimeters
CMP	Coastal Management Program
CO	carbon monoxide
CO_2	carbon dioxide
COE	U.S. Army Corps of Engineers
Commission	Federal Energy Regulatory Commission
CPA	Core Preservation Area
CPD	Coastal Programs Division
CRP	Conservation Reserve Program
CTDEP	Connecticut Department of Environmental Protection
CWA	Clean Water Act
CZMA	Coastal Zone Management Area
CZMP	Coastal Zone Management Program
dB	decibels
dBA	A-weighted decibel
DOT	U.S. Department of Transportation
Dth/d	dekatherms per day
EA	environmental assessment
EFH	essential fish habitat
EFHA	Essential Fish Habitat Assessment
EIS	environmental impact statement
ELI Extension Project	Iroquois Eastern Long Island Extension Project
EMF	electromagnetic fields
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESC Plan	Erosion and Sedimentation Control Plan
FERC	Federal Energy Regulatory Commission (or Commission)
FWS	U.S. Fish and Wildlife Service
GIS	Geographic Information System
gpm	gallons per minute

HDD	horizontal directional drill
hp	horsepower
IPCNYS	Invasive Plant Council of New York State
Iroquois	Iroquois Gas Transmission Systems, L.P.
Islander East	Islander East Pipeline Company, LLC
kW	kilowatt
L_{dn}	day-night average sound level
L_{eq}	24-hour equivalent sound level
LIPA	Long Island Power Authority
LIPBS	Long Island Pine Barrens Society
LUST	Leaking Underground Storage Tanks
Memorandum	Memorandum of Understanding on Natural Gas Transportation Facilities
MMBTU	million British thermal units
MMI	Modified Mercalli Intensity
MP	milepost
MUID	map unit identifier
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAGPRA	Native American Graves Protection and Repatriation Act of 1990
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NGA	Natural Gas Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO	nitrogen oxide
NO_2	nitrogen dioxide
NO_x	nitrogen oxide (nitric oxide plus nitrogen dioxide)
NOI	Notice of Intent to Prepare an Environmental Assessment for the Eastern Long Island Expansion Project and Request for Comments on Environmental Issues
NPDES	National Pollution Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
NSA	noise sensitive area
NSPS	new source performance standards
NSR	New Source Review
NWI	National Wetland Inventory
NYSDEC	New York State Department of Environmental Conservation
O_3	ozone
OCRM	Ocean and Coastal Resource Management
OEP	Office of Energy Projects
Pine Barrens Commision	Central Pine Barrens Joint Planning and Policy Commission
PD	preliminary determination on non-environmental issues
PEM	palustrine emergent wetlands
PFO	palustrine forested wetlands

Plan	Upland Erosion Control, Revegetation, and Maintenance Plan
PM_{10}	inhalable particulate matter
PSD	Prevention of Significant Deterioration
psig	pound per square inch gauge
PSS	palustrine scrub-shrub wetlands
Procedures	Wetland and Waterbody Construction and Mitigation Procedures
RCV	remote control valve
ROI	region of impact
ROW	right-of-way
SCADA	Supervisory Control and Data Acquisition
SCCRWA	South Central Connecticut Regional Water Authority
Secretary	Secretary of the Commission
SER	significant emission rate
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SO_x	sulfur oxides (sulfur dioxide plus sulfur trioxide)
SO_2	sulfur dioxide
Sound	Long Island Sound
SPCC Plan	Spill Prevention, Control and Countermeasure Plan
TWI	Tidal Wetland Inventory
USDA	U.S. Department of Agriculture
USDOC	U.S. Department of Commerce
USGS	U.S. Geological Survey
VOC	volatile organic compound

1.0 INTRODUCTION

The staff of the Federal Energy Regulatory Commission (FERC of Commission) has prepared this environmental impact statement (EIS) to assess the environmental impacts associated with the construction of facilities proposed by Iroquois Gas Transmission System L.P. (Iroquois) and referred to in this draft EIS as the Eastern Long Island Extension (ELI) Project.

On December 14, 2002, Iroquois filed an application with the Commission in Docket No. CP02-52-000 under Section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for Certificates of Public Convenience and Necessity (Certificate) to construct and operate various pipeline and compressor facilities in Connecticut and New York. Iroquois proposes to construct approximately 29.1 miles of 20-inch diameter natural gas pipeline, a new 20,000 horsepower (hp) compressor station, and other associated auxiliary facilities. The new pipeline would cross 17.1 miles of the Long Island Sound and 12.0 miles onshore in New York.

1.1 PROJECT PURPOSE AND NEED

The purpose of the ELI Project is to provide 175,000 dekatherms per day (Dth/d) of natural gas to energy markets in Long Island, New York. Iroquois states that the proposed project would deliver natural gas to meet market growth on Long Island. Iroquois also states that the proposed project facilities would offer customers on Long Island increased access to Sable Island gas through the backfeed of the Algonquin Pipeline System, and, through displacement opportunities, access markets in New York City, thereby reducing costs associated with distribution facility upgrades.

On September 15, 1999, the Commission issued a Policy Statement to provide guidance as to how it would evaluate proposals for certificating new construction. The Policy Statement established criteria for determining whether the project would serve the public interest. Further, the Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. In evaluating new pipeline construction, the Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers of the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain.

The Commission has not issued a Preliminary Determination on Non-Environmental Issues (PD) for this project to date. If issued, the PD would indicate that the authorization of construction and operation of the proposed facilities would be in the public convenience and necessity under Section 7 (c) of the NGA. However, the final action on the Certificate would not occur until after the environmental review is completed, all environmental matters have been properly addressed, and a final order issued by the Commission. The issuance of a PD does not prejudice any further action by the Commission.

1.2 PURPOSE AND SCOPE OF THE STATEMENT

The FERC is the Federal Agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas pipeline facilities. Certificates are issued

under Section 7(c) of the NGA and Part 157 of the Commission's regulations if the FERC determines that the project is required by the public convenience and necessity.

We[1/] prepared this EIS to assess the environmental impacts associated with construction and operation of facilities proposed by Iroquois. This document has been prepared to comply with the requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA, [Title 40 Code of Federal Regulations (CFR) Parts 1500-1508] and the Commission's regulations (Title 18 CFR Part 380).

Our principal goals in preparing this EIS are to :

identify and assess potential impacts on the natural and human environment that would result from the implementation of the proposed project;

assess reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the environment;

identify and recommend specific mitigation measures to minimize environmental impacts; and

encourage and facilitate public involvement in identifying significant environmental impacts.

1.3 PUBLIC REVIEW AND COMMENT

The FERC issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Eastern Long Island Expansion Project and Request for Comments on Environmental Issues* (NOI) on March 13, 2002. The NOI stated that FERC would prepare an EIS and we solicited public comments to identify significant environmental issues that would be considered in the EIS. The NOI was sent to individuals and organizations, including Federal, State, county, and local agencies; state and local conservation organizations, and elected officials (Federal and state representatives and senators); local newspapers and libraries; property owners along the proposed route of the pipeline; and other individuals.

The FERC subsequently issued a *Notice of Scoping Meetings and Site Visit for the Proposed Eastern Long Island Expansion Project* on April 5, 2002. In the notice, FERC stated that we would conduct site visits in the project area and any interested parties were invited to attend and address their issues of concern. The site visits were conducted in Long Island, New York on April 24, 2002, and in Connecticut on April 25, 2002.

The FERC held two public scoping meetings to provide the general public with an opportunity to learn more about the project and to comment on environmental issues to be addressed in the EIS. The FERC conducted these meetings in Middle Island, New York (April 24, 2002), and

[1/] "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects (OEP), part of the Commission staff.

in Milford, Connecticut (April 25, 2002). Forms were available at the public meeting for comments and for requests for a copy of the EIS.

A transcript of each scoping meeting, as well as all written comments received, are part of the public record for the ELI Project. We received statements from 7 individuals at the scoping meetings and additional written comments from a total of 13 individuals representing Federal and state agencies, counties, municipalities, organizations, and concerned citizens. Table 1.3-1 summarizes the issues and concerns identified by the commentors and, with the exception of need, identifies the EIS sections in which these comments are addressed in the EIS. Project need is determined by the Commission and is not addressed in the EIS.

TABLE 1.3-1
Issues Identified From Comments Received During the Public Scoping Process for the ELI Project

Issue	Comments	EIS Section Where Comment is Addressed
General	Project purpose, public notice, support/opposition to pipeline, construction techniques, construction schedule	1.2, 1.3, 2.3, 2.6, and 3.10
Water Resources	Groundwater, water quality, private water wells, waterbody construction and restoration procedures, septic systems impacts, public water supply impacts, Long Island Sound impacts	2.3 and 3.3
Fish, Benthic Communities, and Wildlife	Impacts to fish, shellfish, and benthic communities, habitat loss, wildlife preserves, ecologically significant spawning and nesting areas, timing of construction and breeding seasons, commercial fisheries industry impacts	3.4
Vegetation	Native plant conservation, impacts to trees/vegetation, expansion of invasive plants	3.5 and 3.8
Endangered and Threatened Species	Impacts to threatened and endangered species, surveys	3.6
Wetlands	Wetland construction and restoration procedures, salt marsh and tidal wetland impacts, impact to wetlands of Carmans and Peconic Rivers, Commission requirements, wetland mitigation	2.3 and 3.7
Land Use and Visual Resources	Land use compatibility. Residential construction and restoration procedures, aesthetic and visual impacts, development/farming restrictions, coastal zone management consistency, proximity to residences, impacts on open space	2.3 and 3.8
Recreation and Public Interest Areas	Impacts to New York State Central Pine Barrens, Connecticut recreation areas for shellfishing, unauthorized all-terrain vehicle use of ROW	3.8
Cultural Resources	Review of all potential archaeological sites	3.9
Socioeconomics	Property values, traffic impacts, increased development	3.8 and 3.10
Air Quality and Noise	Compressor station noise and emissions, construction emissions impacts, noise mitigation, blasting noise	3.11
Reliability and Safety	Onshore and offshore safety issues, pipeline maintenance, pipeline explosions, general safety	2.3 and 3.12
Cumulative Impacts	Cumulative impacts associated with multi-utility development, impacts of proposed cable and competing pipelines	3.13
Alternatives	System alternatives, route alternatives	4.2, 4.3, and 4.4

1.3.1 Identified Issues

Environmental issues raised during the public scoping period are addressed in this EIS. Other issues were raised that are not environmental issues (e.g., need for the project and the use of eminent domain). Although we recognize that these issues are very important to the commentors and affect the public's interest in the project, they lie beyond the scope of this EIS. However, we have provided some information on these items. The purpose and need of the project are established in this chapter, section 1.1, and the use of eminent domain is addressed in section 3.10, Socioeconomics.

Agency Concerns

The U.S. Department of Interior's Fish and Wildlife Service, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Environmental Conservation (NYSDEC), the Connecticut Department of Environmental Protection, and the Central Pine Barrens Joint Planning and Policy Commission raised issues about potential environmental impacts, consistency with various land use plans, and coordination and permit requirements. Concerns were also raised about monitoring, mitigation measures, and future encroachment issues.

Sensitive Environmental Areas

Several comments in letters to the Commission address the project's potential impact on the Central Pine Barrens, the Carmans and Peconic Rivers, and the Brookhaven State Park. Concerns include tree clearing and impact on wildlife habitat, visual impacts, and aquatic resources (i.e., cold and warm water fisheries) impacts.

Landowner Issues

Many commentors expressed concerns related to proximity to homes, loss of land, property devaluation and insurance increases, safety, and noise impacts from construction activities and the operation of the proposed new compressor station. A number of commentors also expressed concern that right-of-way (ROW) easements, construction impacts (e.g., noise, dust, vegetation removal), and use of property for ROW would almost double if both the proposed Islander East Pipeline Project and the ELI Project were approved and constructed.

Long Island Sound Ecological Impacts

Several commentors expressed concern about impacts to the ecosystem of the Long Island Sound, especially the cumulative impacts of the many Long Island Sound crossings proposed by various utility and energy transportation companies. Specific issues of concern were potential impacts to shellfish grounds, lobsters, and bottom fish. Commentors suggested mitigation measures be included in the EIS to minimize impacts from anchor scars and cable sweeps, water quality degradation, and dredging/plowing activities in the Long Island Sound and the Long Island approach.

The Governor of Connecticut signed Public Act Number 02-95, *An Act Concerning the Protection of Long Island Sound*, into law on June 3, 2002. This act establishes a 1-year moratorium from the date of enactment on considering or rendering final decisions on applications for utility line

crossings of Long Island Sound, including the ELI Project. The moratorium was established so that state agencies could prepare an inventory of environmental resources of the Long Island Sound, an evaluation of the environmental and cumulative impacts of the region's present and future energy needs on the Long Island Sound, and develop methodology for crossing the Long Island Sound with minimal impacts.

Various Concerns

Various other issues raised by the public and agencies included soil erosion and wetland mitigation, groundwater impacts, wastewater discharges, pipeline maintenance, the introduction of invasive plant species, public safety and new access roads. Many commentors questioned the need for two pipelines to cross the Long Island Sound and service eastern Long Island. Cumulative impacts, cultural resources, and air quality impacts also need to be analyzed.

1.4 NONJURISDICTIONAL FACILITIES

Under Section 7(c) of the NGA, FERC is required to consider all factors bearing on the public convenience and necessity as part of a decision to certificate jurisdictional facilities. The jurisdictional facilities for the ELI Project include the mainline, lateral, and aboveground facilities. These are discussed in detail in section 2.1. In addition, Iroquois provided information regarding the facilities required by its customers for this project. The proposed delivery point of the natural gas to be transported by Iroquois would be a newly proposed interconnect with the facilities of KeySpan Gas East Corporation ("KeySpan") at or near Yaphank, New York. KeySpan is a local distribution company regulated by the New York Public Service Commission serving customers on Long Island. In order to receive the gas from Iroquois, a new meter and regulating station would have to be constructed. KeySpan would be responsible for constructing that portion of the meter station facilities necessary to enable it to receive the gas from Iroquois. These facilities are not under the Commission's jurisdiction, but rather would be reviewed by the relevant state agencies.

The Commission has adopted a four-factor procedure developed by the U.S. Army Corps of Engineers (COE) to determine whether there is sufficient Federal control and responsibility over a project as a whole to warrant environmental analysis of related nonjurisdictional facilities. These factors include:

(i) Whether or not the regulated activity comprises "merely a link" in a corridor type project (e.g., a transportation or utility transmission project);

(ii) Whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affects the location and configuration of the regulated activity;

(iii) The extent to which the entire project would be within the FERC's jurisdiction; and

(iv) The extent of cumulative Federal control and responsibility.

With regard to factor one, the jurisdictional facilities (i.e., the ELI Project) are clearly a link in this natural gas project. The project would provide a new transportation system between the producers of the gas and the end users. Iroquois is a common carrier of natural gas, and as such

serves only to transport the gas for the end user. Iroquois does not sell the gas to the end user. Therefore, this factor favors examining the nonjurisdictional facilities.

With respect to factor two, the location of the nonjurisdictional facilities have had little impact on the location and configuration of the ELI Project. The number of route variations that are possible clearly shows that the ELI Project's and nonjurisdictional company facilities only need to interconnect. The ELI Project facilities have been designed to provide the capacity for customers in eastern Long Island, New York. However, there is nothing about the design of Iroquois' facilities which has been uniquely influenced by the location or configuration of the nonjurisdictional facilities. This factor, therefore, does not favor examining the nonjurisdictional facilities.

Under factor three, which weighs the extent to which the entire project would be within the Commission's jurisdiction, the nonjurisdictional facilities are not regulated by the FERC and may not require any other Federal permit. Therefore, this factor weighs against extending the scope of the environmental review.

With respect to factor four, all of the nonjurisdictional facilities are being planned by an independent company. The financial obligations and responsibilities associated with each project rests solely with the sponsor, and the cumulative Federal control is minimal. This factor weighs against extending the review to include nonjurisdictional facilities.

In conclusion, overall consideration of the four factors suggests that the Commission's control and responsibility over the nonjurisdictional facilities is not sufficient to become a Federal action in the environmental review. Nevertheless, construction of customer facilities and reasonably foreseeable projects related to the proposed ELI Project are addressed in the cumulative impact analysis in section 3.13 of this EIS.